G. R. S. IX-5]

Previous references.

1896-97
~~191~~ .
(L. R.)

File No. 7.

Serial Nos. 1-10.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-10

Part B for

SUBJECT.

Cultivation in the beds of Hirekere and Bhadrankere tanks of Nelamangala and Devanahalli Taluks respectively.

Countermarked

Finder

Dy

W D 88—GPB—50,000—24-7-16

General Records.

Please send a spare copy of printed Pro: No. 7338-46
R2457
dated 14. 2. 1897

H Vyasa Rao.
Rev: Branch.

11/2/1901

No typ: copy available
R3
11/2/07

Subd.

A type written copy is put up for reference. For the original order please see section D.

HLL.

(19) (D)

~~CHIEF~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

This note is accompanied by Copy-4.

SS note 16/1907

SUBJECT. Regarding the cultivation of the beds of -

A Hirekere and

B. Bhadrankere, tanks in the Nelamangala and Devanahalli Taluks, respectively.

LAST REFERENCE. Letter No. 1040 dated 19th April 1886,

from the Dy Commr, Bangalore d.

(A) Hirekere tank bed.

In April 1886, one Patel Chennalingappa applied for the grant for yékcal cultivation, of 2A-3G of arable land in the bed of Hirekere tank bearing Survey no. 35.

At the recommendation of the Amildar, the Dy Commr accorded his sanction to the grant of the land for cultivation for one year on temporary Kandayem. The applicant then executed a Muchalika

⊗ Total Extent 71-7 acres.

* No. 2798.4.86.

to the effect that he would
cultivate the land and pay
its Kandayam for the year
Vyaya 1886-1887. In the year 1887-88
it was reported to the Jamabandi
officer that Chennalingappa
did not pay the Kandayam
due for the past year on this
aspect as on certain other
tank beds, which latter had
also been granted to him for
yeksal cultivation, that he
pleaded that he was unable
to cultivate them, as water
was not supplied as usual
from the tank in the Shamevillage.
& that he prayed for permission
to carry on cultivation during
the current year also. So that
he might pay up the arrears &
the current year's Kandayam.
On observing that the non-cultivation
of the lands was due to the applicants'
own fault, the Jamabandi
offr ordered the recovery of the
arrears, and reserved the question
of permitting cultivation for
the latter years for the orders

GOVERNMENT OF MYSORE

of the Dy Commr, who confirmed the Jamabandi officer's order as regards the recovery of the arrears and declined to sanction the cultivation of the land for another year. Thereupon, ie in June 1888, Chenna-Linigappa petitioned the Dy Commr, to the effect that he could not cultivate the land as water was not supplied, & that therefore the Kandayem for the last year should be remitted, & permission given to cultivate the lands for one year more. The Dy Commr informed the Amildar that if he thought fit, he might show concession to the Petr about the arrears, & that if there was no objection on revenue or other grounds, the Petr might be allowed to have the land Hangami for one year, Subject to a report thereafter. In Janry 1889 the Amildar ordered the Sheikdar to wait till the Vaisakhi crop

Order No 1023 dy 9-1-1888.

Order No. 282 dy 12.6.88.

was raised and then ~~a~~ report-
if the Petitioner had raised
any crop in the tank bed
in question. On the 6th
June 1889, the Sheikdar in
company with the Patél and
Shanbogue inspected the place
and found that A 26 – C 28½ had
been cultivated with paddy
& that the crops were fit to be
harvested. In reporting the
above facts, the Amildar
-brought to the notice of the
Dy Commr. that the Kandayem
for the year Sarvadhari in which
~~the~~ cultivation was carried on
as above, had not been brought
on demand owing to the negli-
-gence of the Sheikdar & that
wet cultivation in tank beds
was contrary to Govt orders.
The Dy Commr. then sent for
the Shanbogue & Petitioner
Chemialingappa, and after
their examination, issued ⊗ orders
to the Amildar to the effect
that full Kandayem should
be received for the year Sarva-
-dhari & that the grant of tank
beds for Hangami Kandayem

⊗. No 517 of 19-10-89.

Should be put a Stop to. 5

2. In march 1890, one Putté-
-gowda applied for the grant
of a portion of the same lands
bed for cultivation on a tempo
-rary lease. The Sheristdar
reported that the extent of the
land applied for was 2-3 Cr 7 as
measured by the Shanbogue,
that it was situated amidst
cultivated lands and was
not liable to Submersion.
The Shanbogue also reported
that the land had been given
out for cultivation to Bhima
Rige gowda on a temporary
rate of Rs. 4-3-0 per acre. The
Amildar, thereupon ⊛ ordered that
the papers Should be brought
to him when the lands
was full of
water. On the 21st April
1890, one Moodlugiraiya
applied for the same land,
and in Novr 1890 Puttegowda
again applied for the land.
Both the applicants were in
formed by the Amildar in April 1891 that

⊛ No 48 of 28.4.1890.

Similar Darkhasts having
been rejected, their appli-
-cation could not be entertained
but that the land would,
however, be inspected, &
if found fit for cultivation,
would be granted under
the rules. After inspection
of the land & on a reference
to the previous papers, the
Asildar ordered in Novr 1891
that Chennalingappa's
Darkhast not having been
granted by the Dy Commr, on a previous occasion,
the two Darkhasts above
referred to should be rejected.

3. Puttegowda again represented
that what he applied for was
not the Submerged land
once granted to Chennalingegowda
but the one situated amidst
cultivated lands and not liable
to Submersion. The Asildar
called for further information
from the Shekdar. who reported
that the cultivated lands
referred to were certain inam
Inam lands conformed to the

respective holders at the time of Survey and Settlement, & that the land applied for by Putté gowda was a Govt waste Situated amidst ~~cultivated land~~ them and was treated as part of the tank bed, and that it remains under 1ft of water when the Bharmoor tank was full, & formed part of the lands once granted to Chennalingappa. On the 27th December 1891. Putté gowda made another applic-ation for the land. On observing that the grant of tank beds for Haugami Kandayeru was not permissible, the Amildar enquired if there was any ob-jection to grant the land on permanent Kandayeru. The Sheikdar reported that there was no objection to Such grant, that cultivation would not affect the tank in any way, & that the distance between the land & the line of actual water-Spread was about a mile Thereupon the Amildar ordered the land being Shown to him when he went to the village.

After inspection, the Asstt Engr recommended the grant of the land to the applicants on the grounds mentioned above, The Dy Commr invited the opinion of the Ex: Engr in the matter, who in turn called for a report from the D.P.W Sub Dr Officer. This last named officer reported that, when he inspected the land on the 10th Sept 1892, it was found to be at the "outer border of the water spread area" of the tank & "in the midst of cultivation", & that "on the day of inspection the Cody was discharging & then there was about a foot & half water in half of that area" that "when Cody stops, there may remain little or no water" & that therefore "the land may be let out for cultivation on the condition that it must be surrendered to Govt without any claim for Compensation" whenever required for a Govt purpose. On receipt of the above reply, the Dy Commr Sanctioned the grant of the land for cultivation.

№ 14 dy 9-7-92.

& № 430 dy 17.9.1892

vide Order No. 509 dy 7.12.1892.

for one year. Accordingly land was put in possession of the applicant on the 3d March 1893. and Saguvali Chit issued to him only for the year Vijaya.

4. In the meantime, one Kumbi Gowda applied for the grant of 2A-3G of land in the same tank bed, which had been once before given to Chennalingappa for yekeal cultivation. The Amildar recommended the grant in Aug: 1892, and the Dy Commr, after making a reference to the D.P.W, drew his attention to his (Dy Commrs) no. 5109 of 17.12.92 in which the grant of 2A-3G to Puttegowda for one year had been Sanctioned. Kumbi Gowda's Darkhast was Subsequently rejected.

5. On the 30th October 1893, Krishnappa, School Master of Bowringpet, applied for the grant of the tank bed above dealt with, for permanent

cultivation on a temporary lease. The villagers drew up a Mahazar to the effect that 12 acres of land were not liable to Submersion at all, that Kartika & Vaishaka crops could be raised thereon & that the remaining 12 acres which remained under water for some time during the year, could be cultivated with Vaisakhi crop, & that they had no objection to the grant of the whole to the applicant. On 6th February 1894, Puttè Gowda again asked for the land ~~xxx~~ which had been once before granted to him for an year's cultivation. The Amildar Submitted the applications for the orders of the Dy Commr, who de-
-clined to permit the cultivation vide order on Memo prepared in the Dy Comm's Office —
of the tank bed any longer. The Dy Commr ~~xxxxx~~ at the same time wrote to the Ex: Engr asking him to inspect the tank and State his opinion as to whether any portion or portions of the bed

* No 3572 of 20·4·1894.

might be brought under
cultivation permanently.
The Asstt Engr., to whom the
papers were sent by the
Ex Engr., reported that the
portion of the bed as marked
in the tracing, might be brought
under irrigation, provided
the applicant threw up a
slight mound on the river
sides of the water edge,
that the land being slightly
under weir level & liable to
submersion during floods,
precautions should be taken
to have a mound around.
Subsequent to this, the Ex. Engr.
~~reported~~ appears to have referred
the question for the orders of
the Chief Engr., who expressed
his disapproval of the grant
of the tank bed for cultivation.
It was with reference to this
last Communication, that
the Dy Commr. wrote his letter
No. 406 dt 19.1.97 to the Chief
Engr. ~~to~~ requesting him to
reconsider the matter in the
light of certain remarks therein
made.

D. No. 317 dt 19.9.96

In this letter the Dy Commr has stated that a large Slice of the tank bed in question, which had been granted to Puttè gowda in 1892, was a Smiling Sugar cane garden at the time of his inspection previous to the date of this letter, viz Jany 1897. Puttè gowda was permitted to cultivate 2 A 3 C of land only during the year Vijaya, (1893-94) and it is not clear how he raised Sugar cane ~~crop~~ in the year 1896. The records do not throw any light on this point. In his Petition of 6th Feb: 1894, Puttè gowda has mentioned that he cultivated the land in that year (~~ಕಬ್ಬು ಬೆಳೆದು ಕೊಂಡು~~ ಬಂದಿದ್ದೇನೆ-)

(1) Note. In reply to an enquiry from this office, the Dy Commr states that the piece of land on which the former Dy Commr saw Sugar cane crop and which he mistook to be a part of the bed of the tank, is in fact a separate field in the holding of Puttègowda Situated contiguous to the bed, and that the cultivation of the bed has not been continued. (vide Letter no. 228 of 13th Aug: 1897 (vide para 3 above)

6. With reference to the Dy Commr's letter above referred to, the Chief Engr Submitted a note to the Dewan, & thereupon it was ordered that no private rights of any kind Should be allowed

P. Proc^s no. 7338-46 & R. 2451
14. 2. 1897.

GOVERNMENT OF MYSORE

to sprung up within the beds of tanks in action, but culti-vation might be permitted therein for a season in exceptional times of drought. The Dy Commr was also requested to explain the circumstances under which Puttégowda was permitted to cultivate the bed of Hirekere tank in 1892. Subsequently the Secry. D.P.W pointed out to the Dy Commr. that the application in this case was exceptional based on no such grounds as mentioned above.

⊗ G.O. No. 89 R dt 11.2.97.

* No. 134 801 dt 12th Feb'97.

7. Referring to the above, the Dy Commr. states that there has hitherto been no fixed principle in regard to permitting temporary culti-vations in tank beds, that in some cases Govt have directed the grant of portions thereof ex-cluding only the actually sub-merged parts, that besides, some tanks command enormous areas which are not covered by water even at high water level, & that keeping in view

† No 1040 dt 19.4.97.

⊗ P.No. 7417—8 P.73.93 dt 1.11.93

Comm'rs proposal, the Chief Engr. stated that permanent cultivation might be allowed subject to the cultivators throwing up a low bund along the margin, without unduly diminishing the effectiveness of the tank.

11. The Dy Comm'r reports, that before final orders were issued by him in this matter, the Chief Engr's letter No. 134/807 of 12-2-97 conveying the prohibitory order of Govt. was received, & that therefore the application of Sriikanta Sastry was not granted. ×

× Vide para 4 of the Dy Comm'rs letter No. 1040 & 19th April 97.

Submitted for orders.

There are two tank beds involved in this correspondence. ⊗

(1) Thyamagondlu Amani Hirikere tank in the Nelamangala Taluk and (2) Bhadramukine tank in the Devanhalli Taluk. The circumstances under which the former was granted for temporary cultivation are explained in paras 1 to 7 supra while the latter has not been granted at all. These letters may, if approved, be recorded.

⊗ Vide printed order No. 7338-46 & a 2451 of 14th February 1897.

Recommended
Secretary

Subject to 2nd Pr.

A portion of the Hirekere tank bed was held by one Chennaligappa on temporary lease from 1886 to 1889.

One Putti Gowda held another portion of it for one year only viz 1893-94. The statement that it was a Sunday garden viz in 1896 has been ascertained to be incorrect.

The bed of the Bhadra Kere tank has not been given out for cultivation as originally intended.

This communication may be recorded.

Rs 7.10 Rs. 1-9-97
1.9.97.

Yes - Record with the above observations -

4.9.97

11/9/97 Draft for Draft 11/9/97

Draft Subj
8/9/97

Office Copy (2) 9

GOVERNMENT OF MYSORE

Copy of Dewan's order on the D. O. W Secretary's Note of the 2d February 1897 in connection with the proposal made by the Director of Bangalore, in his letter addressed to the Chief Engr. & Secy. to Govt. No 406 & 19.1.97 to give out for ~~temporary~~ on a temporary lease cultivation, the bed of Hirekere Tank in the Nelamanga-la Taluk.

"

(1). It should be an invariable rule not to allow the growth of private rights within tank beds.

(2) The case of Badrankere and that of Putta gowda in the Shyamagondlu bed conflict with this general rule.

(3) If once we break it we shall be flooded with applications.

(4) In exceptional seasons of drought, cultivation for a season, of tank beds may be allowed, on public grounds. The application in the present case is based upon no such ground.

(5) I should like this opinion to be comd to the Rev Deptt in which I ~~should~~ should cause enquiries to be made about D.C's action in the case of Putta gowda & Bhadrankere Bed."

Initialled. K. S.
4.2.97

To M

Office Copy

406
E:1 file

GOVERNMENT OF MYSORE

Bangalore District

Dated, Nelvangala, 19th June 1917

To

The Chief Engineer of Mysore
Bangalore.

Sir,

The Executive Engineer, Bangalore Division has forwarded to me copy of your Docket No. 6737 dated 17th ultimo expressing your concurrence with the opinion of that officer to the effect that the bed of the Hinkere tank of Tyamagondlu should not be given out for cultivation and I have the honor to request that the matter may be reconsidered in the light of the following facts.

2. The bed of the tank in question extends northward up to the base of the Railway embankment, and the land now applied for for temporary cultivation forms survey No. 37 of the Tavarekere village. My predecessor, the late Mr. Shujait Ali referred the matter to

to the Executive Engineer, in order to ascertain whether the land in question is liable to be submerged. Two Sub-Division officers, Messrs Krishniengar and Welsh, recorded their opinions that little or no water remains on the land when the tank does not surplus and that with a slight dam to the South, cultivation may be carried on in the land. Mr Sreenivasa Rau, the Executive Engineer then wrote a Docket No. 4398/1457 dated 24th November 1896, expressing his inability to give me any advice in the matter while he addressed you about the same time or a few days after, opposing the proposal.

3 A large slice of this very land has already been given to another individual named Puttegowda, so far back as 1892 and is now a smiling sugar cane garden.

4 I have inspected the spot. It is the extreme South end of the tank basin and

and it may possibly contain a thin layer of water at high water mark. In ordinary seasons however, it is perfectly dry. There is as far as I know no near prospect of the weir-level being raised. It is moreover not at all intended to grant the land as a permanent holding; the applicant will be bound by written contract to give up the same without any claim for compensation whenever the Government may require it. As a further precaution, a ring bund will be caused to be put by the South of the land in order (1) to keep out the water and (2) to prevent any risk of the silt running into the tank.

5. This case, I beg further to remark, is on all fours with the bed of the Bhadrana Kere tank, a portion of which you were good enough the other day to permit the cultivation of, vide your No. 6840 dated the 19th December 1896.

6. Under

6. Under the foregoing circumstances, I trust that you will be now able to agree with me in the opinion that the land in question may be cultivated on a temporary lease without any harm to the tank.

7. The original records of the case in which are filed the English letters alluded to in the above paras, are forwarded for reference and return.

I have &c

(Sd) M. Annaji Rao
for Dy Commissioner

Draft in Dr's Letter

GOVERNMENT OF MYSORE

2nd draft 511

To.

The Dy Commr
Bangalore Distt.

Dated 11th Feb/97

No (camp) 89/R.

Dy Commrs letter No 406 dated 19th January 1897 to the address of the Chief Engineer proposing the grant ~~for temporary~~ on a temporary cultivation of the bed of the Hirekere tank of Tyamagondlu village in the Nelavangala Talak.

Spare at once
11-2-97

Adverting to the above, ~~has the honor~~ it is to observed that in para 3 it is stated that a large slice of the tank bed above referred to was granted for occupation to one Puttegowda in 1892 and that from para 5 it appears ~~is stated~~ that the Chief Engineer's

permission was obtained by the Dy Commr in Decr 1896 for the cultivation of the Bhadrankere tank bed.

The Dy Commr is ~~therefore~~ the circumstances under which such action was taken by himself by him and by his predecessor, the late Mr Shujaat Ali requested to explain ~~his~~ ~~his predecessor's action~~ in these cases and also state why and under whose authority ~~actual~~ occupancy rights were granted in the aforesaid ~~two~~ tank beds in violation of the existing rule. (vide Para 10, Rule XX of the L. R. Rules).

The whole record bearing on the subject will also be sent

13/2/97

By Order

11-2-97

Secretary

10/2/97

Spue 9
14/2/97

This draft having been signed on the 11th as per Secy's order, another draft calling for the records is Subd for appl.

15/2/97.

15/2/97

Gl. No. 5368
1897. R. No. 3839
13 FEB 97

MYSORE P. W. DEPARTMENT.

No. 135 / 802

From

The ~~Chief Engineer~~ Secretary to the Govt of Mysore, P.W.D.
Bangalore.

To The Secretary
to the Govt of Mysore
General & Revenue Depts

Dated Bangalore 12th February 1897.

Despatched

Enclosure No. 4.

1 P.W. Cir. Order
1 D.C. No 406
1 Cir. No. 6737
1 Kannada file
4

SUBJECT.

Forwarding copy of a letter addressed to the Deputy Commissioner Bangalore District, giving the opinion of Government on the question of lease for temporary cultivation the bed of the Thyamangala Kere. Tank in Nelamangala Taluk

I believe we have called for reports from the Dy Comr of Bangalore as well as from other Dy Comrs. Wait for replies from Kunigal. In the meantime this record may be returned to the Bangalore Dy Comr as it is not likely to be required here. Q

15-2-97

Put up previous papers and a draft as above.

4/3/97

Subdistrict papers & draft as directed.

13/3/97

Rev Dep
13/3/97
Submitted to Secretary
13/3/97

MYSORE P. W. DEPARTMENT,

CENTRAL OFFICE,

No. 134/801

Bangalore, 12th February 1897

From Secretary to the Govt
The ~~Chief Engineer~~ of Mysore,
Bangalore.

To The Deputy Commissioner
Bangalore District

SIR,

In reply to your letter No. 406 dated 19th ultimo, regarding the basing out for temporary cultivation of the beds of the recently restored Shyamangala-Sirekere Tank in Nelamangala Taluk, I have the honor by desire of the Dewan, before whom the question has been laid, to inform you that it should be an invariable rule not to allow the growth of private rights within Tank beds. In exceptional seasons of drought, cultivation for a season of Tank beds may be allowed on public grounds. The application in the present case is based upon no such grounds.

II

II. The file of papers received with your letter, has been sent to Secretary to Government, General and Revenue Department by whom it will be returned to you.

I have the honor to be &c.

Sd/ C. V Bowen Colonel.

Secretary to the Government

of Mysore P. S. S.

No. 135
802.

Copy forwarded to the Secretary to the Government of Mysore, General and Revenue Departments, for obliging disposal of concluding para of Dewan's orders on this office note of 2nd instant, herewith sent with the Deputy Commissioner's letter and enclosures to be returned when no longer required.

C. Bowen

Colonel.

Secretary to the Government

of Mysore

P. S. S.

Bangalore.
12th February 1897.

K

46 Draft as per Orders

GOVERNMENT OF MYSORE

Proceedings of the Govt of Mysore.

Order:- No 7338-46
R. 2451

Dated. 15th Feb 97.

~~Government observe that~~

It is a long established and well understood rule that no private rights of any kind should be allowed to spring up within the beds of tanks in action; ~~But~~ but it is believed that local Revenue Authorities have, notwithstanding, sometimes allowed themselves to be persuaded to grant occupancy rights within tank beds.

2. This cannot be tolerated. It will cause infinite mischief. When once an exception is made, applications will come in from all sides for a similar concession. ~~in any case, there will be~~

~~be no limit for to Such exceptions.~~ Subd for affd

The rule must therefore be Strictly enforced as a hard and fast one, and any departure from it Should be forthwith cancelled as illegal and opposed to para 10 of Rule ~~XX~~ of the Mysore Land Rev Rules, and Severe notice ~~Should be~~ taken of the conduct of the officers concerned.

3. ~~Under para 10 of Rule XX of the Rev. Rules,~~ Under the Rule cited above, the Dy Comm^r may, in ~~seasons~~ of exceptional ~~seasons~~ timers of drought, allow the cultivation of dry tank beds for a Season, but this Should be done wholly upon public grounds and when actual drought exists. Subd for affd-

~~4 The Dy Commrs of Districts~~ are requested to Submit for the information of Govt Statements in the accompanying ~~form Shewing cases of tanks~~ Subd for affd-

4. It has been brought to the notice of Govt (1) that under the Tyamagondlu Hemkere tank in the Nelamangala taluk a large area of the tank-bed was granted for occupation to one Putte Gowda in 1892, and (2) that the Chief Engineer's permission was obtained by the Dr/Commr Bangalore in Dec 1896 for the cultivation of the Bhadrankere bed - and the circumstances which led to such action on the part of the Dr/Commr are being enquired into - The Dr/Commrs of Dts are requested to report at once whether there have been similar cases of the creation of occupancy rights in tank beds for cultivation in their Districts, and if so, to submit statement of information in the accompanying form regarding them.

beds in which actual occupancy rights have been granted in violation of the existing rule.

11-2-97
Secretary.

10/2/97
To.
The Dr/Commrs of Districts
Secretary to Govt D.O.W.

13/2/97

14/2/97

Print 4/c

For approval

Statement Showing the particulars of tank beds given out for cultivation in the .....District.

Serial No	Name of the Taluk.	Name of the village.	Name of the tank	Extent of the tank bed given out for cultivation	Cultivation whether temporary or permanent	When, under what circumstances & on whose authority the cultivation was permitted.	How long in a year, if any, the land is granted remains under water	Remarks.

H.A. 10/1/97

Sect

Secy (3)

Rev Dept.

It is a long established & well understood rule that no private rights of any kinds should be allowed to ~~to~~ Spring up within the heads of tanks in action — But I believe that local Rev authorities have notwithstanding Sometimes allowed themselves to be persuaded to grant occupancy rights within tank beds . . ! !

This cannot be tolerated. It has been cause infinite mischief Once you begin to make an exception you don't know where to stop. The rule must be strictly enforced as a hard & fast one and any departure from it should be forthwith cancelled as illegal & opposed to the Rev. Rules (to which please refer) & severe notice shd be taken of the Conduct of the Officers Concerned —

Such an action is certainly illegal — I am aware I must avail myself of the privilege reserved to us by the Govt of India

13-2-97

Bangalore

I understand from Dy Comr's letter to D.M.O. No 406 dated 1-2-97

(a) that under the Thyamagondal Hirikere a large slice of the bed was granted for occupation to one Putte Gowda in 1892

(b) that Chief Engr's permission was obtained by the D.C. in Dec 96

for the cultn of the
Bhadrana Veri bed

The Dy Coll Mr be called & his predecessors
upon to explain his action
in these cases.

In seasons of exceptional
drought the Dy Coll. may
allow the cultn of Dy
tank beds for a season,
but this should be
done only upon public grounds
& when actual drought
exists. In the two
Cases above named are
Quite diffr. In these actual
occupancy rights have been
granted - Why ? And under whose authority was this violation
of Rule perpetrated ?
Are there other Cases in
which this has been done ? in
this or other Dts
Stringent orders are
necessary.
Please do needful and report
action taken
4-2-47

No. 7338-46—R. 2451, DATED, CAMP MYSORE, 14TH FEBRUARY 1897.

ORDER.—It is a long established and well understood rule that no private rights of any kind should be allowed to spring up within the beds of tanks in action, but it is believed that local Revenue authorities have, notwithstanding, sometimes allowed themselves to be persuaded to grant occupancy rights within tank beds.

2. This cannot be tolerated. It will cause infinite mischief. When once an exception is made, applications will come in from all sides for a similar concession. The rule must, therefore, be strictly enforced as a *hard* and *fast* one, and any departure from it should be forthwith cancelled as illegal and opposed to para 10 of Rule XX of the Mysore Land Revenue Rules, and severe notice taken of the conduct of the Officers concerned.

3. Under the rule cited above, the Deputy Commissioner may, in exceptional times of drought, allow the cultivation of dry tank beds *for a season*, but this should be done wholly upon public grounds and when actual drought exists.

4. It has been brought to the notice of Government (1) that in the bed of the Tyamagondlu Hirikere tank in the Nelamangala taluk, a large slice of land was granted for occupation to one Puttegauda in 1892, and (2) that the Chief Engineer's permission was obtained, by the Deputy Commissioner of Bangalore in December 1896, for the cultivation of the Bhadrankere bed. The circumstances which led to such action on the part of the Deputy Commissioner are being enquired into. The Deputy Commissioners of districts are requested to report at once whether there have been similar cases of the creation of occupancy rights in tank beds in their districts, and, if so, to submit information in the accompanying form regarding them.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.
The Secretary to Government, D. P. W.

Statement showing the particulars of tank beds given out for cultivation in the district.

Serial No.	Name of the taluk.	Name of the village.	Name of the tank.	Extent of the tank bed given out for cultivation.	Cultivation whether temporary or permanent	When, under what circumstances and on whose authority the cultivation was permitted.	How long in a year the lands so granted remains under water.	Remarks.

Exd.—H.A.R.

(4)

Original Draft.

1896-97

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 14*th February* 1897

No. 7338-46 / R. 2451

Observing that no private rights of any kind should be allowed to spring up within the beds of tanks in action, and requesting the Deputy Commissioners of districts to report whether there have been any cases of the creation of occupancy rights in tank beds in their districts.

M.G.C.P.B.—28-2-97—120

Draft for approval

514

(7)

To.

The Deputy Commr=
Bangalore District.

Dated 15/16/2/97.

No. 7347
R2452

In continuation of this office Camp No. 89R dated 11th February 1897, has the honor to request that when submitting the report therein called for as regards the grant for cultivation of the beds of the Hirekere tank, Nelamanga la Tank, and the Bhadrana Kere tank, the Dy Commr will be good enough to send up also the entire records bearing on the subject.

"By order"

15/2/97

1896 – 97 Q 5942
42.55

From The Dy Commissioner –
Bangalore District.

To The Secretary to the Govt.
of Mysore.
Genl & Rev Departments.
Bangalore

Dated 8th March 1897.
Despatched 9th Do —
Received
General No.
D No. 900.

Enclosure No.

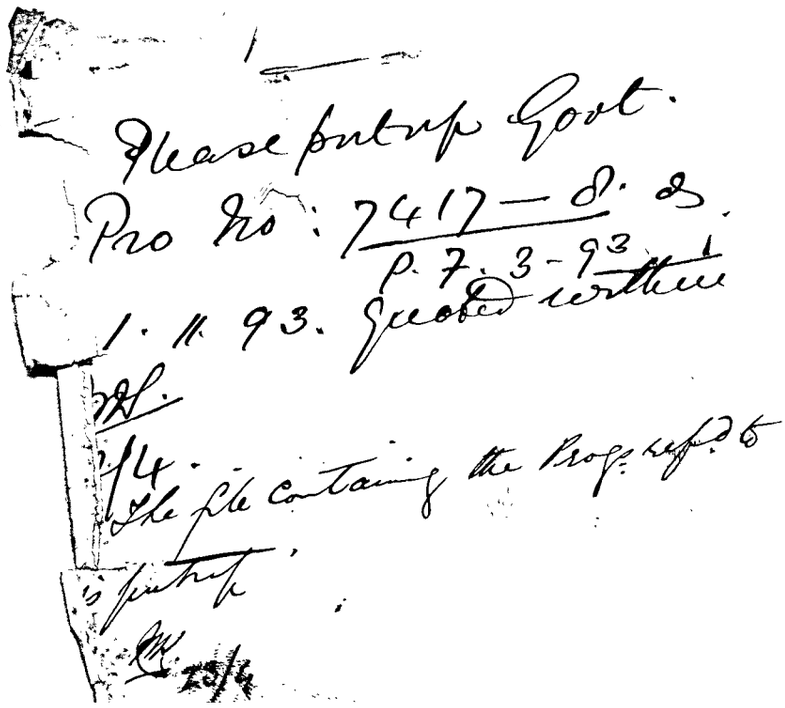
Has the honour to request the return of the records relating to the grant of the Inam land of the Tyamagondlu Hirekere Tank Nelamangala Taluk, sent with this Office letter No. 403 of the 19th January last to the Chief Engineer and transmitted by that Officer to the Secretary, General and Revenue Departments.

for Dy Commissioner –

Rec 11/3/97

Ref X

11/3/97



Please put up Govt.
Pro No: 7417 — S. 3.
P. 7. 3-93
1. 11 93. Secondly written
28.
14.
the file containing the Prop: referred to
herein.
23/4

Peter Bs

1897

9 95

ecretary to the Govt. of Mysore.

Rev. & Gen. Departments.

To The Deputy Comr
Bangalore Dt

Dated 16/3/97.

Despatched 19

Received

General No. 8012.

R. No. 2682.

Enclosure No. 1 file

His docket No 900 dated 8th March 1897 requesting ~~the~~ returns of the records relating to the grant for cultivation purposes, of the bed of the ~~Eyamangala~~ Tyamangala Hirekere Tank, Nelamangala ~~Taluk~~ Taluk forwarded by him to the Chief Engineer with his letter No 4069 19th Jany/97

Has the honor to return as requested, the records referred to in the above.

By order

16/3/97

Under Secretary.

13/3/97

15/3/97

1895–
1896–97.
A 4867

From The Dy. Commissioner.
Bangalore District.

To The Secretary to the Govt of Mysore.
Genl & Rev Departments.
Bangalore.

Dated 9th April 1897.

Despatched

Received

General No.
No. 1040.

Enclosure No. 3 files

In reply to Secy's No. Camp 89/R
dated 11th February 1897.

Reports regarding the grant for cultivation of the beds of the Hirekere tank, Nelamangala Taluk and the Bhadrankere tank.

Rev Depn
21/4/97

Note
The Tahsildar's letter calls for
certain explanations
which

D. No. 1040
Nos 3 files

Dy Commissioners Office.
Bangalore District.
Dated 19th April 1897.

To,
The Secretary to the Government
of Mysore,
Genl & Rev Departments,
Bangalore.

Sir,

Referring to your docket Camp No. 89/R of the 11th Ultmo, regarding the proposed grant of certain lands in the bed of the Amani Bhadranakere Tank and the grant of a portion of the Tyamagondlu Hirikere tank bed, I have the honor to state that one Mysore Srikantashastru applied for a portion of the Amani Bhadranakere bed on a temporary lease.

2. After personal inspection, the Amildar reported that the land dar-khasted for was from 3 to 4 miles distant from the tank bund, and from 1/2 to 2 miles from the ordinary water margin, and that its cultivation was in no way objectionable. The darkhastdar also bound himself to give up the land unconditionally without any claim for compensation whenever required by Government. It was also represented that other portions of the bed were similarly brought under the plough.

3. I made enquiries to ensure the correctness

of the step, I consulted the Chief Engineer, who in his letter No. 6840 dated 19th December 1896 (of which copy is attached) stated that he saw no objection to the proposed cultivation.

4. Before however final orders were issued by me, the prohibitory order of Government No. 134 dated 12th February 1897 was received, and the land has not at all been given to the applicant.

5. As regards Tyamagondlu Hirikere, Chennalingappa, Patel of Bidalur, applied for a small portion of the bed on 1st April 1886, on a temporary lease for the year Vyaya, and the Amildar recommended the grant. This recommendation was approved of by the then Deputy Commissioner and the land made over to the Darkhastdar. He again petitioned to the effect that as the lands which usually irrigated from Mamé Tank were not watered that year, he was entitled to a remission, and further prayed for an extension of the lease. On the recommendation of the Amildar, the Dy Commissioner extended the same for another year.

6. Finally, the Dy Commissioner directed on 19th October 1889 that after the year Sarvadhari (1888-89) the temporary cultivation

should be put a stop to.

7. On March 12th 1890, Patte Gauda of Doddachennohalli darkhasted for another portion of the same tank bed and his application was refused. The Amildar inspected the same and recommended on 6th July 1892 that the request of Patte Gauda may be complied with. No allusion was made in this reference to the previous order.

8. The Dy Commissioner then sought (on 16th August 1892) the Executive Engineer's opinion as to whether the land was liable to submersion.

9. The Executive Engineer forwarded the Sub Division Officer's report stating that the land may be given out for cultivation, the Dy Commissioner Mr. Shujait Ali passed an order (on 17th December 1892) No. 509 granting the land 2-37 a-g in extent temporarily for one year. On the petitioner's representation, he was permitted to hold the land next year also.

10. There was another application in the same year from one Kumbligauda which was also disposed of with reference to the above order No. 509, but the land was not cultivated and the concession to hold it next year was not granted to him by the Amildar.

11. On 30th October 1893 Krishnappa applied for Survey No. 35, which had been required

by Kumbhiganda, on permanent tenure.

12. The Dy Commissioner thereupon ordered on 28th February 1894, that the land might temporarily be granted until further orders.

13. On 6th February 1894, Puttegauda also applied for the assignment of the land permanently, and Mr. Shujaet Ali, the then Dy Commissioner, thereupon ordered on 19th April 1894 that "no more cultivation of the tank bed should be allowed in future" and asked the Executive Engineer for opinion as to whether portion of the bed could be permanently brought under cultivation.

14. In reply the Executive Engineer forwarded on 19th September 1896 copy of the Honorary Assistant Engineer's report to the effect that a portion could be brought under irrigation taking certain precautions to prevent submersion during floods, and the Executive Engineer further stated that he had referred the matter to the Assistant Chief Engineer.

15. In December last, the Executive Engineer forwarded to me copy of the Chief Engineer's docket No. 6737 dated 17th December 1896 expressing the concurrence of that officer with the Executive Engineer's opinion that the tank bed in question should not be given for cultivation.

16. It was then that I asked the Chief

Letter No. 406 of 19th January 1897 (on the enclosed file), but the Public Works Department Secretary's reply No. 134/807 of 12th February 1897 stated that Government disapproved such grants altogether.

17. There has hitherto been no fixed principle in regard to permitting temporary cultivations in tank beds. In some cases, Government have directed the grant of portions thereof, (vide Government order No. 7407-8 P.T. 393 of 1st November 1893) excluding only the actually submerged parts. Besides, some tanks command enormous areas, which are not all covered by water even at high water level. Keeping in view the broad principle that no private rights should be created in such localities, the course of previous practice seems to denote the desirability of allowing temporary cultivations in such spots, of course circumscribed by all necessary limitations and conditions.

18. The original records in the cases under retrospect are forwarded.

I have the honor to be,
Sir,
Your Most Obedient Servant,

V. Ramachandra Ayyar,
Dy. Commissioner.

Proceedings of the Government of Mysore

Read:-

Proceedings of Government No 197 P.73.93 of 30 July 1893 calling for a report from the Executive Engineer of Bangalore, as to the extent of Survey No 71 in Bukka Sagar village, Anekal Taluk, which is liable to submersion.

Read.

Report by the Executive Engineer of Bangalore, No 3766-688 dated 23 August 1893, received with letter No 3837 dated 29th August 1893, from the Chief Engineer in Mysore, stating that 3 guntas and 82 Sq yards of Survey No 71 will be submerged when the Kallubalu tank receives its full supply to the present Kodi level.

Order thereon, No 7417-8 & 7419 P.73.93 P.73.93

Dated Bangalore, 1st November 1893.

Under the circumstances stated, the Deputy Commissioner is requested to restore to petitioner

Babu Thimmaiyya the reserved portion of Survey No. 71 minus the area (3 guntas and 28 sq yards) liable to submersion

Sd/ M. Narain Row
For Chief Secy

To The Deputy Commr Bangalore District
with V. Papers

The Supdt Rev Survey in Mysore

The Copy to Chief Engineer for information

"True copy"

Compared
V.V.

Weight for a file

(12)

To. 518

The Dy Commr.
Bangalore District

Dated. 16/16-6-97

No 1096/R 38-96. Sn 3 V.P. file

Dy Commrs letter No 1040 Dated 19th April 1897 Submitting a report of the circumstances under which the bed of Hirikere tank in the Nelamangala Taluk was given out for temporary cultivation to one Puttè Gowda, ~~and Bhadankere tank bed in the Devanhalli Taluk was proposed to be granted for cultivation~~.

In returning the vernacular records received with the above, for reference and resubmission, has the honor

to observe that the papers
clearly shew that
A R P
2–37–0 of land in the bed of
Hirikere tank was granted
for cultivation to one Putté
gowda only for the year
Vijaya, under the orders of ⊗ no. 5098 of 7-12-1892
the then Dy Commr., the late
Mr Shujayet Ali Khan
& that Putté gowda's subsequent
application of 6th Feb 1894 for
the continuance of the Sagu-
vali chit, for another year was not granted
by the said Dy Commr.
But in para 3 of his letter
to the Chief Engr., No 406 of
19th January 1897, the
present Dy Commr states
that a large slice of the bed
granted to Putté gowda
"So far back as 1892, is
"now a smiling Sugar-
Cane farm".

2. The Dy Commr is requested
to explain how Putté gowda,
who was permitted to cultivate

the land only during the year Vijaya, came to be in possession of the same in the ~~Sealed~~ subsequent years also, and on whose authority he raised Sugar-cane thereon.

By Order

9-6-97

Secretary

7/6/97

23/5/97 25/5/97

1897 - 98R 86.0

AUG 97
MAN'S OFFICE

From The Dy Commissioner
Bangalore District.

To The Secretary to the Govt.
of Mysore
Genl: & Rev: Departments,
Bangalore.

Dated 13th
Despatched 18th } August 1897.
Received

General No.
D No. 228.

Enclosure No. 1 file

In reply to Secy's docket
No. 10906 of the 16th June 1897.
R 3596

Submits explanation that
the bed of the Tyamagandlu
Amani Strikore tank in the
Nelamangala Taluk was not
confirmed to be cultivated by
Puttegowda, but that sugar cane
crop was raised on a separate
field contiguous to the bed.

RW 20/8/97

Recd put up.
SS.
Subdivision
Officer 20/8/97

D. No. 228.

Enc: 1 file

Bangalore District
Deputy Commissioner's Office
Dated 13th August 1897
Camp Talagattapur. 18th

To

The Secretary to the Government
of Mysore
Revenue and General Departments
Bangalore.

Sir,

With reference to your docket No. 10906/R 3596 of 16th June 1897, enquiring how Puttegowda continued to cultivate the bed of the Tyamagondla annani Hirikere tank in the Nelamangala Taluk when it had been given him temporarily, I beg to state that the enquiry now made shows that the cultivation of the bed has not been continued, but that the piece of land on which the late Deputy Commissioner saw sugar cane crop and which he mistook to be a part of the bed of the tank (and reported accordingly) is in fact a separate field situated contiguous to the bed and that it has been

in

in the holding of the said Puttegowda since some years.

2. The record of the case ending with the Amildars report No. 170 of the 31st July 1897 is herewith submitted as required.

I have the honor to be

Sir,

Your most obedient servant.

Deputy Commissioner.

Comps
Nos.

(15) 97

Read:—

Correspondence ending with letter No. 228 dated 13th August 1897, explaining the circumstances under which the bed of the Hirekere Tank in the Nelamangala Taluk was given out for cultivation and to one Puttegowda, and the bed of the Bhadranakere Tank in the Devanahalli Taluk was proposed to be given out for cultivation.

(from the Dy Commr Bangalore District)

Order thereon:—

Recorded.

2. It is observed that a portion of the Hirekere Tank bed was held by one Chennalingappa on temporary tenure from 1886 to 1889 and that subsequently

Subsequently one Putte' Gowda held another portion of it for one year only, viz, 1893-94. ~~It is now clear that~~ The statement made in the Dy. Commrs letter No. 406 dated 19th January 1897 to the Chief Engineer, that the land granted to Putte' Gowda, was a Sugar-cane garden in 1896, is incorrect, as the Deputy Commissioner now reports that the piece of land on which the late Deputy Commr. saw the Sugar-cane crop and which he mistook to be a part of the tank bed ~~and reported accordingly~~, is a separate field belonging to Putte Gowda, and situated Contiguous to the bed of

the

the tank.

3. It is also observed that ~~after~~ on the issue of Govt. Proc: No. 7338-46/R.2451 dated 14th February 1897, prohibiting the creation of occupancy rights in the beds of tanks in action, the bed of the Bhadranakere tank has not been given out for cultivation, as originally intended.

2d Councillor's order
13/9/97

14/9/97

Secretary.

8/9/97

8/9/97

To. The Deputy Commr
Bangalore District
returning Vernacular
papers.

Dist. Engineer -
returning the Enclosures
of his letter No. 135/802 dt. 12th Feby/97